

### REMARKS

The examiner's indication that claims 9-17, 21, 22, and 28 are allowable (if rewritten in independent form) is acknowledged. Claims 30-38, 39, and 40 correspond exactly to claims 9-17, 21, and 22 rewritten in independent form. Claim 41 corresponds to claim 28 rewritten in independent form.

Accordingly, claims 30-41 are in condition for allowance.

The examiner has rejected the independent claim (24) under 35 USC 103 as unpatentable in view of known CSMA-CA protocols combined with Zijderhand. The examiner is urged to reconsider and withdraw the rejection, particularly in view of the amendments made to claim 24 herein. (These amendments made to claim 24 are made in the interest of concluding this long running prosecution, and are not necessary to distinguish the references; hence, applicant reserves the right to pursue the subject matter of unamended claim 24 in a continuation application.)

Zijderhand discloses an improvement to a protocol known as ALOHA. In the ALOHA protocol, substations transmit in one frequency band to a master station, which retransmits the received packet to all substations in a second frequency band. The substations use assigned time slots in the first frequency band, but collisions can occur when two or more substations transmit in the same time slot. The substations choose a time slot using some random scheme to keep collisions to a minimum, but they do not listen prior to transmitting, but instead depend on comparing their transmitted packet to the one retransmitted by the master station to let them know whether their packet was properly received. Zijderhand discloses an improvement to the ALOHA protocol, in which the master station transmits acknowledgements rather than the full packet, and is able to dedicate a time slot to a substation for transmission of additional packets. Upon correctly receiving a substation's transmission, the master station can dedicate a time slot to that substation by transmitting an indicator field to warn other substations not to use the dedicated time slot. But it is important to note that it is the master station, and not the substation, itself, that takes the action to dedicate a time slot to a substation by transmitting an indicator field to warn other substations.

It is difficult to see how the protocol of Zijderhand, which depends on an architecture of substations all transmitting to a master station, could be combined with the very different CSMA-CA protocol, in which peer stations contend for access, without a master station calling the shots. CSMA-CA requires that peer stations listen for the transmissions of other peer stations during contention periods, whereas the scheme described in Zijderhand relies on the very different scheme of having a station listen for an acknowledgement that its transmission succeeded. It is only with the hindsight gained by knowledge of the invention that one could make the tortured combination suggested by the examiner.

The amendments made to claim 24 further distance the claim from the examiner's prior art. The amendments do the following: (1) they make clear that the stations carrying out the method called for by the claim are peers (not a master and substations as called for by Zijderhand); (2) they make clear that the "contention control field" is transmitted by the same station that desires to establish the contention free access interval (and not by a master station responding to a request from a substation as in Zijderhand); (3) they make clear that the stations contend for access by going through a contention period in which they listen for transmissions of other stations (rather than waiting for an acknowledgement from the master station as in Zijderhand's master/substation protocol).

With the amendments, there can be no doubt about the patentability of claim 24.

The remaining claims are all properly dependent on claim 24, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Enclosed is a \$600.00 check for excess claim fees and a \$1020.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

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